

REMARKS

Applicant respectfully requests entry of this Amendment at least for purposes of appeal, and asks for reconsideration of the pending claims. Claims 29 and 33–42 are currently pending.

Claim 29 was rejected under 35 USC § 103 over Berger et al in view of Grate, Abraham, McGill. Claim 29, as amended, is not disclosed, taught or reasonably suggested in any single cited reference, or in the combination of cited references, for the reasons cited below.

Applicant notes that claim 29 recites “the first segment has a glass transition greater than or equal to about 23 degrees Celsius and wherein the second segment has a glass transition temperature of less than 23 degrees Celsius”. Applicant notes further that the Office Action explicitly states “Berger also fails to explicitly teach the first segment has a glass transition greater than or equal to about 23 degrees Celsius and the second segment has a glass transition temperature of less than 23 degrees Celsius.” Even if Berger discloses the first segment having a glass transition temperature of greater than 23 degrees Celsius, there is no disclosure, teaching or suggestion that the second or soft segment has a glass transition temperature less than 23 degrees Celsius.

The Office Action attempts to overcome this explicit and admitted deficit in the teaching of Berger by stating “it would have been obvious to a person of ordinary skill in the art to modify the device of [sic] to provide the first segment/polyimide has a glass transition greater than or equal to about 23 degrees Celsius and the second segment/siloxane has a glass transition temperature of less than 23 degrees Celsius in order to facilitate processing and fabrication of high molecular weight materials and increase permeability to gases as disclosed in Berger.” There are at least two flaws that statement.

The first flaw is that Berger discloses or suggests the second segment/siloxane has the glass transition temperature of less than 23 degrees Celsius. It does not explicitly do so, as correctly noted in the Office Action. What the siloxane copolymer does recite is:

“The polysiloxanes can be incorporated into a variety of polymeric compositions to modify the properties thereof. The polysiloxanes impart flexibility, elongation and impact resistance; they impart resistance to U.V. and other radiation, resistance to ozone, resistance to corona discharge and resistance to oxidation; they lower the glass transition temperature (T_g) which facilitates processing and fabrication of high molecular weight materials; they lower the surface tension and reduce the coefficient of friction; they increase solubility, increase resistance to acid and increase permeability to gases.”

What the disclosure does not say is that particular siloxane copolymers perform these feats. Further, the actual disclosure does not say that siloxane having a glass transition temperature of less than 23 degrees Celsius performs as indicated.

The second flaw is seen with reference to the Examples section. Example II recites “This compound is initially a colorless liquid which eventually solidifies to a white solid which melted from 48° C. to 49° C.” for Bis-(p-aminophenoxybutyl) Tetramethyl-Disiloxane. A word search does not provide additional melt temperatures. While it is not believed that the indicated melt temperature is the same as the glass transition temperature of the soft copolymer second segment (which would place it clearly outside the scope of the claimed range), it does offer, perhaps, some guidance as to what the glass transition temperature may be for the second segment of the Berger material. Applicant submits that the *prima facie* case of obvious is rebutted and that claim 29 is allowable over the cited references.

The Office Action does not rely on Grate, Abraham, McGill to disclose, teach or suggest the claimed glass transition temperature ranges for the segments. The Office Action states “Examiner has relied on Berger for the teaching of glass transition temperatures.” (Page 5)

With regard to claims 33 and 42, the list of possible organic polymers for the first segment is amended to exclude polyimide and polyanhydride. As such, Berger fails to disclose teach or suggest the modified claim. Notice to this effect is respectfully requested.

The remaining claims all depend from an allowable claim, and are therefore allowable also.

Applicant submits that the pending claims are allowable over the cited art. Notice to that effect is respectfully requested. Should the Examiner believe that anything further is needed, the Examiner is invited to contact the Applicant's undersigned representative at the telephone number below. Any additional fees for the accompanying response are hereby petitioned for, and the Director is authorized to charge such fees as may be required to Deposit Account 07-0868.

Respectfully submitted,

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